



House of Representatives

General Assembly

File No. 771

January Session, 2011

Substitute House Bill No. 6336

House of Representatives, May 9, 2011

The Committee on Finance, Revenue and Bonding reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING KINSHIP CARE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (*Effective from passage*) Not later than October 1, 2011, the
- 2 Commissioner of Children and Families shall, within existing
- 3 resources, convene a working group for the purpose of determining
- 4 how to maximize kinship care for children in the care and custody of
- 5 the commissioner. The working group shall examine Department of
- 6 Children and Families practices and policies that impact kinship care,
- 7 including, but not limited to, agency regulatory criteria, cultural
- 8 competence in recruitment of relative homes, outreach practices and
- 9 family conferencing. Not later than January 1, 2012, the working group
- 10 shall submit a report, in accordance with the provisions of section 11-
- 11 4a of the general statutes, summarizing existing department practices
- 12 and policies impacting kinship care and proposing recommendations
- 13 for increasing kinship care to the joint standing committee of the
- 14 General Assembly having cognizance of matters relating to human

15 services and the select committee of the General Assembly having
16 cognizance of matters relating to children.

17 Sec. 2. Section 17a-114 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective October 1, 2011*):

19 (a) As used in this section, "licensed" means a person holds a license
20 issued by the Department of Children and Families to provide foster
21 care, including foster care of a specific child, and "special study foster
22 parent" means a person who is twenty-one years of age or older and
23 who does not hold a license issued by the Department of Children and
24 Families to provide foster care.

25 (b) (1) No child in the custody of the Commissioner of Children and
26 Families shall be placed with any person, unless such person is
27 licensed for that purpose by the department or the Department of
28 Developmental Services pursuant to the provisions of section 17a-227,
29 or such person's home is approved by a child placing agency licensed
30 by the commissioner pursuant to section 17a-149. Any person licensed
31 by the department may be a prospective adoptive parent. The
32 commissioner shall adopt regulations, in accordance with the
33 provisions of chapter 54, to establish the licensing procedures and
34 standards.

35 (2) The commissioner shall require each applicant for licensure
36 pursuant to this section and any person sixteen years of age or older
37 living in the household of such applicant to submit to state and
38 national criminal history records checks prior to issuing a license to
39 such applicant to accept placement of a child. Such criminal history
40 records checks shall be conducted in accordance with section 29-17a.
41 The commissioner shall also check the state child abuse registry
42 established pursuant to section 17a-101k for the name of such
43 applicant and for the name of any person sixteen years of age or older
44 living in the household of such applicant.

45 (c) Notwithstanding the requirements of subsection (b) of this
46 section, the commissioner may place a child with a relative who is not

47 licensed, a nonrelative, if such child's sibling who is related to the
48 caregiver is also placed with such caregiver or, if the child is ten years
49 of age or older, with a special study foster parent for a period of up to
50 ninety days when such placement is in the best interests of the child,
51 provided a satisfactory home visit is conducted, a basic assessment of
52 the family is completed and such relative, nonrelative or special study
53 foster parent attests that such relative, nonrelative or special study
54 foster parent and any adult living within the household has not been
55 convicted of a crime or arrested for a felony against a person, for injury
56 or risk of injury to or impairing the morals of a child, or for the
57 possession, use or sale of a controlled substance. Any such relative,
58 nonrelative or special study foster parent who accepts placement of a
59 child in excess of such ninety-day period shall be subject to licensure
60 by the commissioner, except that any such relative who, prior to July 1,
61 2001, had been certified by the commissioner to provide care for a
62 related child may continue to maintain such certification if such
63 relative continues to meet the regulatory requirements and the child
64 remains in such relative's care. The commissioner may grant a waiver
65 from such procedure or standard, [except any safety standard]
66 including any standard regarding separate bedrooms or room-sharing
67 arrangements, for a child placed with a relative, on a case-by-case
68 basis, [from such procedure or standard, except any safety standard,
69 based on the home of the relative and the needs and best interests of
70 such child] if such placement is otherwise in the best interests of such
71 child, provided no procedure or standard that is safety-related may be
72 so waived. The reason for any waiver granted pursuant to this section
73 shall be documented in writing. The commissioner shall adopt
74 regulations, in accordance with the provisions of chapter 54, to
75 establish certification procedures and standards for a caregiver under
76 this section. For purposes of this subsection, "sibling" includes a
77 stepbrother, stepsister, half-brother or half-sister.

78 Sec. 3. Subsection (c) of section 46b-129 of the general statutes is
79 repealed and the following is substituted in lieu thereof (*Effective*
80 *October 1, 2011*):

81 (c) The preliminary hearing on the order of temporary custody or
82 order to appear or the first hearing on a petition filed pursuant to
83 subsection (a) of this section shall be held in order for the court to: (1)
84 Advise the parent or guardian of the allegations contained in all
85 petitions and applications that are the subject of the hearing and the
86 parent's or guardian's right to counsel pursuant to subsection (b) of
87 section 46b-135; (2) assure that an attorney, and where appropriate, a
88 separate guardian ad litem has been appointed to represent the child
89 or youth in accordance with subsection (b) of section 46b-123e and
90 sections 46b-129a and 46b-136; (3) upon request, appoint an attorney to
91 represent the respondent when the respondent is unable to afford
92 representation, in accordance with subsection (b) of section 46b-123e;
93 (4) advise the parent or guardian of the right to a hearing on the
94 petitions and applications, to be held not later than ten days after the
95 date of the preliminary hearing if the hearing is pursuant to an order of
96 temporary custody or an order to show cause; (5) accept a plea
97 regarding the truth of such allegations; (6) make any interim orders,
98 including visitation, that the court determines are in the best interests
99 of the child or youth. The court, after a hearing pursuant to this
100 subsection, shall order specific steps the commissioner and the parent
101 or guardian shall take for the parent or guardian to regain or to retain
102 custody of the child or youth; (7) take steps to determine the identity of
103 the father of the child or youth, including, if necessary, inquiring of the
104 mother of the child or youth, under oath, as to the identity and address
105 of any person who might be the father of the child or youth and
106 ordering genetic testing, and order service of the petition and notice of
107 the hearing date, if any, to be made upon him; (8) if the person named
108 as the father appears, and admits that he is the father, provide him and
109 the mother with the notices that comply with section 17b-27 and
110 provide them with the opportunity to sign a paternity
111 acknowledgment and affirmation on forms that comply with section
112 17b-27. Such documents shall be executed and filed in accordance with
113 chapter 815y and a copy delivered to the clerk of the superior court for
114 juvenile matters; (9) in the event that the person named as a father
115 appears and denies that he is the father of the child or youth, advise

116 him that he may have no further standing in any proceeding
 117 concerning the child, and either order genetic testing to determine
 118 paternity or direct him to execute a written denial of paternity on a
 119 form promulgated by the Office of the Chief Court Administrator.
 120 Upon execution of such a form by the putative father, the court may
 121 remove him from the case and afford him no further standing in the
 122 case or in any subsequent proceeding regarding the child or youth
 123 until such time as paternity is established by formal acknowledgment
 124 or adjudication in a court of competent jurisdiction; (10) identify any
 125 person or persons related to the child or youth by blood or marriage
 126 residing in this state who might serve as licensed foster parents or
 127 temporary custodians and order the Commissioner of Children and
 128 Families to investigate and [determine] report to the court, not later
 129 than thirty days after the preliminary hearing, the appropriateness of
 130 placement of the child or youth with such relative or relatives; and (11)
 131 in accordance with the provisions of the Interstate Compact on the
 132 Placement of Children pursuant to section 17a-175, identify any person
 133 or persons related to the child or youth by blood or marriage residing
 134 out of state who might serve as licensed foster parents or temporary
 135 custodians, and order the Commissioner of Children and Families to
 136 investigate and determine, within a reasonable time, the
 137 appropriateness of placement of the child or youth with such relative
 138 or relatives.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2011</i>	17a-114
Sec. 3	<i>October 1, 2011</i>	46b-129(c)

FIN *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which allows the Commissioner of the Department of Children and Families to waive separate bedroom standards for relative foster parent(s), does not result in a fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 6336*****AN ACT CONCERNING KINSHIP CARE.*****SUMMARY:**

This bill gives the Department of Children and Families (DCF) commissioner authority to waive any standard for separate bedrooms and room-sharing arrangements (see BACKGROUND) when placing a child in foster care with an unlicensed relative. Under current law and the bill, the commissioner is barred from waiving any standard or procedure related to safety. Any such placement must otherwise be in the child's best interest.

It also requires DCF to (1) report to the Superior Court, rather than simply make a determination on the appropriateness of a placement, when the court has identified a relative who might serve as a child's foster parent or temporary custodian and (2) convene a working group to determine how to maximize kinship care for children in the department's care and custody.

EFFECTIVE DATE: October 1, 2011; except for the working group provision, which is effective upon passage.

REPORT TO THE COURT

By law, the Superior Court must do a number of things at a preliminary hearing on a temporary custody order, order to appear, or the first hearing on a petition regarding a neglected, uncared for, or dependent child or youth. Among them is to identify any relative, related either by blood or marriage, living in the state who might serve as a licensed foster parent or temporary custodian and order the DCF commissioner to investigate the appropriateness of placing a child with such a relative. The bill requires the commissioner to report to the court within 30 days of the hearing, rather than simply make a

determination on the matter within that timeframe.

KINSHIP CARE WORKING GROUP

By October 1, 2011, the DCF commissioner must convene a working group to examine DCF practices and policies that impact kinship care. The working group must report by January 1, 2012 to the Human Services Committee and Select Committee on Children. Using existing resources, the group must consider agency regulations, cultural competence in recruiting relative homes, outreach practices, and family conferencing. Its report must summarize existing policies and practices impacting kinship care, and propose recommendations for increasing it.

BACKGROUND

Children's Bedroom Regulations

Under current DCF regulations, no child age three or older is permitted to share a bedroom with another child of the opposite sex or with one of the same sex who is a disparate age. No child over age one can share a room with an adult without the department's permission (Conn. Agencies Reg. § 17-145-139(a)(6)).

Legislative History

On April 21, the Finance, Revenue and Bonding Committee reported a substitute bill eliminating a provision in the original file (File 388) that exempted DCF from requiring that a child placed with a relative must have a separate bedroom. The Finance Committee's substitute allows DCF to waive the requirement.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable

Yea 12 Nay 0 (03/03/2011)

Human Services Committee

Joint Favorable

Yea 18 Nay 0 (03/22/2011)

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 52 Nay 0 (04/21/2011)